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Letter dated 6 October 2015 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council

I have the honour to transmit the letter of Ivica Dačić, First Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Serbia (see annex).

I would be grateful if you would have the present letter and its annex distributed to all members of the Security Council and published as a document of the Council.

(*Signed*) Milan **Milanović**
Ambassador
Permanent Representative
of the Republic of Serbia to the United Nations

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Annex to the letter dated 6 October 2015 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council

I am writing to you on this occasion in your capacity as President of the Security Council in connection with a question of priority importance for the Republic of Serbia which gives us cause for serious concern. It relates to the request for admission of so-called Kosovo to the membership of the United Nations Educational, Scientific and Cultural Organization (UNESCO), a specialized agency within the system of the United Nations. This request is absolutely unacceptable for the Republic of Serbia, primarily because it has no legal basis.

In point of fact, under the still valid and legally binding Security Council resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo (United Nations Interim Administration Mission in Kosovo (UNMIK) regulation No. 2001/9), Kosovo and Metohija is the territory within the Republic of Serbia administered by the United Nations. Council resolution 1244 (1999) reaffirms "the sovereignty and territorial integrity of the Federal Republic of Yugoslavia [now the Republic of Serbia] and the other States of the region, as set out in the Helsinki Final Act and annex 2" of the resolution. The resolution decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2. Both annexes stipulate that full account is to be taken of "the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia [now the Republic of Serbia]". The resolution goes on to provide for the establishment of an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, now the Republic of Serbia.

In article 2, paragraph 2, of the Constitution of UNESCO, it is said that States not members of the United Nations may be admitted to membership of UNESCO, upon recommendation of the Executive Board, by the General Conference. As Kosovo cannot be considered a State, a subject of international law, since it is a territory which is not responsible for the conduct of its external relations, it is evident that the elementary conditions have not been fulfilled for considering any question related to Kosovo's admission to full-fledged membership of UNESCO. This has been recognized de facto by Priština itself as it attempted to ensure submission of the request through UNMIK, which was rejected by the United Nations Mission in view of its consistent compliance with Security Council resolution 1244 (1999).

As a specialized agency of the United Nations, UNESCO is obliged to comply with international law, in particular Security Council resolutions, under Chapter VII of the Charter of the United Nations, including Council resolution 1244 (1999). In that context, the consideration of the request for Kosovo's admission to UNESCO would present a violation of the legal rules created under the auspices of the United Nations, aimed at maintaining international peace and security, and run counter to Article 25 of the Charter in which it is said that "the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". As a consequence, it is clear that the consideration of this question within UNESCO would be a gross violation of Council resolution 1244 (1999) and create a dangerous precedent.

In the interest of improving the life of the people in the Province, the Government of the Republic of Serbia has demonstrated constructiveness and readiness to have all outstanding issues resolved within a dialogue conducted in Brussels with the facilitation of the European Union. The question of the status of the property of the Serbian Orthodox Church and the protection of the Serbian cultural heritage has not yet been put on the agenda of the dialogue in which mutually acceptable solutions for many complex questions have been found so far. In this sense, this question should not be an exception.

One of the basic conditions for admission to any international organization is also the capacity and will of a prospective member to fulfil membership obligations. There is no doubt that deliberate, systematic and vandalistic destruction of cultural and historical monuments of one's own citizens, dating as far back as the eleventh century, in order to remove the traces of the age-long existence of a people on a territory, is incompatible with the purposes of UNESCO. This is evinced also by the fact that four jewels of world heritage, the Decani Monastery, Patriarchate of Peć, Gračanica and the Church of St. Mary of Ljeviš, have been included in the UNESCO List of World Heritage in Danger. No word of condemnation of these shameful crimes, unworthy of the twenty-first century, or of the readiness to find and punish their perpetrators, has been heard from Priština until this very day.

As a responsible member of the international community and a United Nations Member State, the Republic of Serbia considers that all organizations within the system of the United Nations and the United Nations Member States should respect fully the sovereignty and territorial integrity of the Republic of Serbia in accordance with their obligations under international law, the Charter of the United Nations and Security Council resolution 1244 (1999). Resolutions of the Security Council, the supreme body in matters of international peace and security, must be fully complied with, for only in this way is it possible to maintain the existing system of international security based on the principles set out in the Charter of the United Nations, while international law can preserve its universal validity.

(*Signed*) Ivica **Dačić**